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OIPE JC07 JAN 27 2003 PATENT & TRADEMARK OFFICE

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 110.00

Complete if Known	
Application Number	10/027,662
Filing Date	12/20/2001
First Named Inventor	Michel PAIRET
Examiner Name	R. M. DEWITTY
Art Unit	1616
Attorney Docket No.	1/1175

METHOD OF PAYMENT *(check all that apply)*

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☑ Deposit Account:

Deposit Account Number: 02-2955

Deposit Account Name: Boehringer Ingelheim Corporation

The Commissioner is authorized to: *(check all that apply)*

☑ Charge fee(s) indicated below ☑ Credit any overpayments

☑ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims		Fee from below	Fee Paid
Total Claims		-20** =	x 18.00 =	
Independent Claims		- 3** =	x 84.00 =	
Multiple Dependent			280.00 =	

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 110.00

SUBMITTED BY

(Complete *(if applicable)*)

Name *(Print/Type)*	Philip I. Datlow	Registration No. *(Attorney/Agent)*	41,482	Telephone	203/798-4542
Signature				Date	01/21/2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, Washington, DC 20231.**

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1616

#6 HKD 2-8-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of	: Pairet, M. et al	) Art Unit:	1616
U.S. Appln. No.	: 10/027,662	) Examiner:	R. M. Dewitty
U.S. Filing Date	: 12/20/2001		
Confirmation No.	: 1119		
Title of Invention	: Pharmaceutical Compositions Based On Anticholinergics And Dopamine Agonists		
Attny. Docket No.	: 1/1175		

Commissioner for Patents
Washington, D.C. 20231

January 21, 2003

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Sir:

This is in response to the Office Action dated November 19, 2002, setting a one-month period for reply. Applicants hereby petition for a one (1) month extension of time under the provisions of 37 CFR 1.136(a), making this response due on or before January 21, 2003 (January 19 and 20 being a Sunday and Federal Holiday, respectively). The required fee for the extension of time is paid by the enclosed fee transmittal form.

In the Office Action, the Examiner set forth two separate Election of Species Requirements as follows:

(1) Claim 1 is generic to a plurality of species comprising anticholinergics, dopamine antagonists and enantiomers. Applicant is required to elect a single disclosed species for each of an anticholinergics, dopamine antagonists and enantiomers.

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(2) Claim 16 is generic to a plurality of species comprising inhalable formulations as cited in claim 17. Applicant is required to elect a single disclosed formulation.

In response to requirement (1), Applicants hereby elect the combination of tiotropium salts (as the anticholinergic) with pramipexol (as the dopamine antagonist), each optionally in the form of the enantiomers, mixtures of the enantiomers or in the form of the racemates thereof, and each optionally in the form of the solvates or hydrates thereof (all as specified in claim 1). Applicants respectfully submit that all the forms so indicated for the compounds should be included with the examination of the compounds.

In response to requirement (2), Applicants hereby elect inhalable powders.

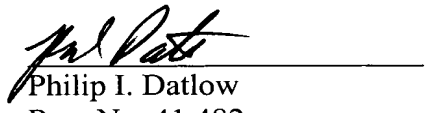
Claims 1-9, 12-22, 45 and 48 read upon the elections set forth above.

Applicants respectfully submit that the instant claims 1-48 cover the present invention as a proper "Markush" group – that is, all of the pharmaceutical compositions covered by the claims are combinations of art-recognized classes of compounds (i.e. anticholinergics and dopamine antagonists) and share a common utility as useful to treat respiratory disease, such as inflammatory or obstructive diseases of the respiratory tract or cystic fibrosis (see pg. 1, line 32- pg. 2, line 12; pg 6, line 12 – pg 7, line 9). Therefore, Applicants submit that the USPTO's standard Markush Practice as specified in MPEP 803.02 should apply to this application. That is, if the Examiner finds that the elected species is allowable, the examination should be extended to the nonelected species to the extent necessary to determine the allowability of the generic claims.

An examination on the merits is respectfully requested.

If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the local telephone number listed below.

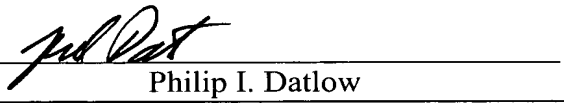
Respectfully submitted,



Philip I. Datlow
Reg. No. 41,482

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Tel: (203) 798-4542
Date: January 21, 2003

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Philip I. Datlow